

REFERENCE TITLE: child care services; eligibility; citizenship

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2595

Introduced by
Representatives Boone, Murphy, Pearce, Yarbrough

AN ACT

AMENDING SECTIONS 41-1967.01 AND 46-801, ARIZONA REVISED STATUTES; RELATING TO CHILD CARE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1967.01, Arizona Revised Statutes, is amended to
3 read:

4 41-1967.01. Child care home provider: registration;
5 fingerprints: definition

6 A. A child care home provider who receives compensation to care for
7 four or fewer children and who has not been certified by the department of
8 economic security pursuant to section 46-807 or licensed or certified by the
9 department of health services pursuant to section 36-883 or 36-897.01 shall
10 register with the department of economic security if the child care home
11 provider wishes to be listed with the child care resource and referral
12 system.

13 B. Each applicant for registration shall BE A CITIZEN OR LEGAL
14 RESIDENT OF THE UNITED STATES AND SHALL submit a full set of fingerprints to
15 the department of public safety for the purpose of obtaining a state and
16 federal criminal records check pursuant to section 41-1750 and Public Law
17 92-544. The department of public safety may exchange this fingerprint data
18 with the federal bureau of investigation.

19 C. Child care providers shall have a valid fingerprint clearance card
20 issued pursuant to chapter 12, article 3.1 of this title or shall apply for a
21 fingerprint clearance card by the date of registration with the department.

22 D. By the date of registration, child care providers shall certify on
23 forms that are provided by the department and notarized whether:

24 1. They are awaiting trial on or have been convicted of or admitted
25 committing any of the following criminal offenses in this state or similar
26 offenses in another state or jurisdiction:

- 27 (a) Sexual abuse of a minor.
- 28 (b) Incest.
- 29 (c) First or second degree murder.
- 30 (d) Kidnapping.
- 31 (e) Arson.
- 32 (f) Sexual assault.
- 33 (g) Sexual exploitation of a minor.
- 34 (h) Felony offenses involving contributing to the delinquency of a
35 minor.
- 36 (i) Commercial sexual exploitation of a minor.
- 37 (j) Felony offenses involving sale, distribution or transportation of,
38 offer to sell, transport or distribute or conspiracy to sell, transport or
39 distribute marijuana, dangerous drugs or narcotic drugs.
- 40 (k) Felony offenses involving the possession or use of marijuana,
41 dangerous drugs or narcotic drugs.
- 42 (l) Burglary.
- 43 (m) Aggravated or armed robbery.
- 44 (n) Robbery.

1 (o) A dangerous crime against children as defined in section
2 13-604.01.

3 (p) Child abuse.

4 (q) Sexual conduct with a minor.

5 (r) Molestation of a child.

6 (s) Manslaughter.

7 (t) Assault or aggravated assault.

8 (u) Exploitation of minors involving drug offenses.

9 (v) A violation of section 28-1381, 28-1382 or 28-1383.

10 (w) Offenses involving domestic violence.

11 2. They are parents or guardians of a child adjudicated to be a
12 dependent child as defined in section 8-201.

13 3. They have been denied a license to operate a child care facility
14 for cause in this state or another state or had a license or certificate to
15 operate a child care facility revoked.

16 E. The notarized forms are confidential.

17 F. Each applicant for registration shall not have been the subject of
18 an investigation where a report of child abuse or neglect has been
19 substantiated.

20 G. Each applicant shall maintain current training and certification in
21 first aid and infant and child cardiopulmonary resuscitation.

22 H. The applicant shall enclose any pool on the applicant's premises
23 pursuant to section 36-1681, subsections A, B and C.

24 I. The applicant shall separately store firearms and ammunition under
25 lock and key or combination lock.

26 J. The department shall adopt rules to carry out this section.

27 K. The director shall charge a fee for processing the fingerprint
28 information required pursuant to this section.

29 L. Any obligation or liability under this section is governed by the
30 provisions of section 41-1967, subsections F, G and H.

31 M. For the purposes of this section, "child care provider" means a
32 registered child care home provider pursuant to subsection A of this section.

33 Sec. 2. Section 46-801, Arizona Revised Statutes, is amended to read:

34 46-801. Definitions

35 In this chapter, unless the context otherwise requires:

36 1. "Caretaker relative" means a relative who exercises responsibility
37 for the day-to-day physical care, guidance and support of a child who
38 physically resides with the relative and who is by affinity or consanguinity
39 or by court decree a grandparent, great-grandparent, sibling of the whole or
40 half blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-uncle or
41 first cousin.

42 2. "Cash assistance" has the same meaning prescribed in section
43 46-101.

44 3. "Child" means a person who is under thirteen years of age.

1 4. "Child care" means the compensated service that is provided to a
2 child who is unaccompanied by a parent or guardian during a portion of a
3 twenty-four hour day.

4 5. "Child care assistance" means any money payments for child care
5 services that are paid by the department and that are paid for the benefit of
6 an eligible family.

7 6. "Child care home provider" means a person who is at least eighteen
8 years of age, who is not the parent, guardian, caretaker relative or
9 noncertified relative provider of a child needing child care and who is
10 certified by the department to care for four or fewer children for
11 compensation with child care assistance monies.

12 7. "Child care providers" means child care facilities licensed
13 pursuant to title 36, chapter 7.1, article 1, child care group homes
14 certified pursuant to title 36, chapter 7.1, article 4, child care home
15 providers, in-home providers, noncertified relative providers and regulated
16 child care on military installations or for federally recognized Indian
17 tribes.

18 8. "Eligible family" means **CITIZENS OR LEGAL RESIDENTS OF THE UNITED**
19 **STATES WHO ARE** parents, legal guardians or caretaker relatives with legal
20 residence in this state and children in their care who meet the eligibility
21 requirements for child care assistance.

22 9. "Federal poverty level" means the poverty guidelines that are
23 issued by the United States department of health and human services pursuant
24 to section 673(2) of the omnibus budget reconciliation act of 1981 and that
25 are reported annually in the federal register.

26 10. "In-home provider" means a provider who is certified by the
27 department to care for a child of an eligible family in the child's own home
28 and is compensated with child care assistance monies.

29 11. "Noncertified relative provider" means a person who is at least
30 eighteen years of age, who provides child care services to an eligible child,
31 who is by affinity or consanguinity or by court decree the grandparent,
32 great-grandparent, sibling not residing in the same household, aunt,
33 great-aunt, uncle or great-uncle of the eligible child and who meets the
34 department's requirements to be a noncertified relative provider.

35 12. "Parent" or "parents" means the natural or adoptive parents of a
36 child.